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Second International Decade of the World's Indigenous People (64/538)

Midterm assessment of the progress made in the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People

Report of the Secretary-General

Summary

The present report is a midterm assessment of the Second International Decade of the World's Indigenous People. On the basis of information received from organizations of the United Nations system, other international organizations and the United Nations Secretariat, it provides an analysis and good examples of the progress made towards the achievement of the goal and objectives of the Decade. It also includes summaries of the information received from 11 Member States, 19 United Nations agencies and other intergovernmental organizations, and 11 non-governmental and indigenous organizations. The report concludes that substantive advances have been made towards achievement of the goal and objectives of the Decade. The importance of the adoption, in 2007, of the United Nations Declaration on the Rights of Indigenous Peoples and the role it has had in the consolidation of a human rights-based approach to indigenous peoples' issues at the intergovernmental and national levels is acknowledged. However, a substantial gap is identified between intentions at the policy level and the actual implementation of specific objectives of the Second Decade. It is stressed that further efforts must be made to transform initiatives at the policy level into effective action for and with indigenous peoples.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 63/161, in which the Assembly requested the Secretary-General, in consultation with Member States, relevant United Nations organizations and mechanisms and other stakeholders, including indigenous peoples' organizations, to submit a midterm assessment report to the General Assembly at its sixty-fifth session evaluating progress made in the achievement of the goal and objectives of the Second Decade.

2. In resolution 59/174, the General Assembly proclaimed the Second International Decade of the World's Indigenous People, commencing on 1 January 2005. The theme of the Second Decade is "Partnership for action and dignity".

3. The first International Decade of the World's Indigenous People, covering the period 1995-2004, produced a number of significant achievements towards meeting its goal of strengthening international cooperation for the solution of problems faced by indigenous peoples. Those achievements included the establishment of the United Nations Permanent Forum on Indigenous Issues, the appointment of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the formation of the Inter-Agency Support Group on Indigenous Peoples' Issues, the annual observance of the International Day of the World's Indigenous People on 9 August, the establishment of the Indigenous Fellowship Programme at the Office of the United Nations High Commissioner for Human Rights and the creation of a voluntary fund to support indigenous organizations in carrying out human rights projects (see E/CN.4/2005/87).

4. At the end of the first Decade it was generally found that, while indigenous peoples had been effective in utilizing the United Nations system for dialogue and awareness-raising, they had achieved only sporadic impact on the policies of United Nations agencies and affiliated institutions and on the actual implementation of programmes and projects.

5. Accordingly, the goal of the Second Decade is the "further strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as culture, education, health, human rights, the environment and social and economic development by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities". In resolution 59/174, the General Assembly requested the Secretary-General to appoint the Under-Secretary-General for Economic and Social Affairs as the Coordinator for the Second Decade.

6. In resolution 60/142, the General Assembly adopted the Programme of Action for the Second Decade of the World's Indigenous People as a guideline for action for the Second Decade. The Programme of Action contains various recommendations addressed to Member States, United Nations agencies, international and intergovernmental organizations, indigenous peoples' organizations and civil society organizations at all levels and cuts across the various areas of the goal for the Second Decade. In the present report, the analysis of the progress made towards the implementation of the Second Decade takes, as its point of departure, the five objectives and specific activities suggested in the Programme of Action. It is recalled that the five objectives are:

(i) Promoting non-discrimination and the inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;

(i) Promoting non-discrimination and the inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;

(ii) Promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, their traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent;

(iii) Redefining development policies that depart from a vision of equity and that are culturally inappropriate to include respect for the cultural and linguistic diversity of indigenous peoples;

(iv) Adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, with particular emphasis on indigenous women, children and youth;

(v) Developing strong monitoring mechanisms and enhancing accountability at the international, regional and, particularly, the national level regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

7. The present report identifies and suggests key priority areas and possible strategies for strengthened action during the second half of the Second Decade (2010-2014). The report also identifies and provides specific examples of good practice in the promotion of the goal and objectives of the Second Decade.

8. In July 2009, the Coordinator of the Second Decade issued a call for contributions to the midterm assessment. Eleven Member States, 19 United Nations agencies and other intergovernmental organizations, and 11 indigenous peoples' organizations and non-governmental organizations responded. In addition to those contributions, the assessment takes into consideration the reports of Member States and of agencies, and other materials generated in connection with sessions of the General Assembly and of the Permanent Forum during the period 2005-2009.

9. The following Member States responded to the request for information: Bolivia (Plurinational State of), Colombia, Cuba, Denmark, Ecuador, Finland, Japan, Mexico, Nicaragua, Tunisia and Venezuela. The following United Nations departments, agencies, funds and programmes and other intergovernmental organizations responded to the request for information made by the Coordinator for the Second Decade: Department of Political Affairs, Food and Agriculture Organization of the United Nations, International Fund for Agricultural Development, International Labour Organization, United Nations Children's Fund, United Nations Development Programme, United Nations Educational, Scientific and Cultural Organization, United Nations Environment Programme, United Nations Forum on Forests, United Nations Population Fund, World Food Programme, World Health Organization, World Intellectual Property Organization, Asian Development Bank, Convention on Biological Diversity Secretariat, European Commission, International Organization for Migration, Organization for Economic Cooperation

and Development. The following non-governmental and indigenous organizations also responded to the request for information: Alliance for International Reforestation, Nagkakaisang Mga Tribu ng Palawan, West Papua Interest Association. The following organizations provided a joint statement: International Indian Treaty Council, Indigenous World Association, American Indian Law Alliance, International Organization of Indigenous Resource Development and the Native Women's Association. A joint statement was also provided by: Imani Youth Group, Zo Reunification Organization, Fundación Kalu Ibaky, United Confederation of Taino People, Socio-Cultural & Educational Welfare Association, Centre of Assistance to Local Development Alternatives and New Dawn for Women and Their Development.

II. Assessment of the implementation of the goal and objectives of the Second International Decade of the World's Indigenous People

10. The present assessment of the degree of implementation of the goal and objectives of the Second Decade takes as its point of departure the Programme of Action for the Second Decade. Selected measures, programmes and initiatives are highlighted as examples of good practice in promoting the implementation of the goal and objectives of the Second Decade. The examples mentioned may be relevant to several objectives at the same time, as the objectives themselves are interrelated.

A. Promoting non-discrimination, inclusion and full and effective participation of indigenous peoples (objectives 1 and 2)

11. The concept of non-discrimination, inclusion and full extension of the rights of citizenship and equality within the State as well as of participation in intergovernmental work is a core element of the first objective of the Second Decade and a fundamental human rights norm in international law, firmly enshrined in international human rights instruments. The United Nations Declaration on the Rights of Indigenous Peoples reconfirms this norm and analyses its meaning as it pertains to indigenous peoples. The adoption of the Declaration by the General Assembly in resolution 61/295 after more than 20 years of negotiation constitutes a major achievement of the Second Decade. Although a small number of States abstained in the vote and an even smaller number voted against the Declaration, there is a trend for those States to revise their positions and declare their endorsement of the Declaration.[1]

12. The Programme of Action calls for United Nations agencies and Member States to create initiatives that recognize the unique identities and needs of indigenous peoples, promote and safeguard their right to participation and self-determination, and foster respect for their values, lifestyles and world views.

13. The recognition of indigenous peoples' individual and collective rights has gained momentum in a number of States, as evidenced in a continuum of actions by

[1] In 2009 Australia, Colombia and Samoa changed their positions on the Declaration. They were followed in 2010 by New Zealand.

Governments. Processes of redefining citizenship are sometimes going beyond simple recognition of the existence of different cultures within a given society to effective promotion of a relationship based on reciprocity and mutual exchange between cultures. Such actions constitute the core of the concept of interculturality that has been initiated in some countries.

14. In a few countries, mainly in Latin America, the Declaration has become an integral part of constitutional reform processes. For example, in 2007 Bolivia, now called the Plurinational State of Bolivia, adopted the Declaration as national law (Law 3760) and in 2008 Ecuador approved a new Constitution which, in article 1, defines Ecuador as a State that is intercultural and plurinational and, in article 57, consolidates the rights of indigenous peoples, communities and nations in terms of their traditional structures of organization, political participation and representation before the State.

15. In comparison with the world's other regions, Latin America is at the forefront in defining the concept of "interculturality" and in applying it as an instrument for the reformulation of relationships between indigenous and non-indigenous populations within the State and in national policymaking. However, lack of technical knowledge among civil servants is a fundamental barrier to the application in practice of an intercultural focus in national policies and specific programmes. International normative tools, such as the Declaration, encounter great challenges in the implementation phase at the national level and require a strong effort to sensitize and educate all sectors of society.

16. In many regions of the world, States have initiated processes of recognition and inclusion,[2] governance based on self-determination[3] and reconciliation in the form of national apologies.[4]

17. Acknowledging the importance of the direct political participation and representation of indigenous peoples, the Inter-Parliamentary Union and the United Nations Development Programme (UNDP) in 2008 initiated a project to promote inclusive parliaments. This initiative facilitates active cooperation between Governments, UNDP country offices and indigenous peoples' organizations. It develops the capacity of Government officials and representatives of indigenous peoples' organizations to implement inclusive and participatory policymaking processes and to integrate indigenous peoples' rights into national policy and strategies.

18. In Russia, the First Congress of the Sami People of the Murmansk Region was established in 2008 with the aim of representing indigenous peoples in regional governments in the northern and far-eastern regions of the Russian Federation, as

[2] In 2009, the Government of Japan officially recognized the Ainu people as the indigenous people of Japan.

[3] In 2009, a new Self-Government Act for Greenland was promulgated "in accordance with the right of self-determination of the people of Greenland under international law" (Act No. 473 of 12 June 2009). In Sweden, Norway and Finland, national legal reform processes have been initiated and strengthened to ensure the consultation of indigenous peoples in all matters concerning them, along with the consolidation and strengthening of self-governing institutions.

[4] In 2008, the Governments of Australia and Canada issued national apologies in relation to the systematic abuse of the human rights indigenous children in the context of past assimilation policies.

well as in Inter-Arctic conferences. In a few instances, States have also reported the establishment of indigenous peoples' political parties, as in Nepal and Ecuador.

19. With indigenous women a particular focus group in the Declaration, the Programme of Action for the Second Decade and in the work conducted by the Permanent Forum, awareness of their situation of multiple discrimination has been increased and initiatives have been implemented to address it. For example, the United Nations Development Fund for Women (UNIFEM), has supported the process of political inclusion of indigenous women in southern Bolivia, working to strengthen their advocacy skills and their political participation (see E/C.19/2008/4/Add.2). At the regional level, UNIFEM places strong emphasis on work to combat ethnic and gender-based violence and has implemented targeted programmes focused on indigenous women's access to justice.[5]

20. In general, however, in many States, indigenous peoples and particularly indigenous women still face a lack of official recognition and direct political participation. The Asian and Pacific region is home to about 70 per cent of the world's indigenous people, yet only a handful of States in that region have officially recognized the existence of indigenous peoples in their countries, and the political participation and representation of indigenous peoples in national legislative processes is in most countries low or non-existent.[6]

21. In the African context, indigenous peoples are mostly not recognized and, as a consequence, indigenous peoples' collective claims on land and natural resources are denied, as illustrated in a study prepared in 2009 by the International Labour Organization (ILO) and the African Commission on Human and Peoples' Rights entitled "The Rights of indigenous peoples in 24 African countries".

22. Where advances can be identified with respect to the inclusion of indigenous peoples in national policy formulation this is mostly to be attributed to indigenous peoples' organizations' advocacy, which has been increasingly instrumental in pushing for long-term cooperative action within States and, also, in relation to international development organizations. The Permanent Forum has also contributed significantly by providing a high-level forum in which the voices of indigenous peoples can be heard and by increasing awareness of their issues and the need for their inclusion in development processes, including the Millennium Development Goal processes. As evidenced, for example, by the climate change debate, indigenous peoples have increasingly been proactive in attending international conferences in order for their perspectives to be included in discussions and to advocate for their full and effective participation in all activities on the international political agenda that concern or affect them, as stated in the Anchorage Declaration of the Indigenous Peoples' Global Summit on Climate Change, in April 2009.

23. From a regional perspective, an important contribution to awareness-raising and the placing of indigenous peoples' issues on the political agenda has been made by the African Commission on Human and Peoples' Rights. During the negotiations on the Declaration, it played a crucial role in facilitating dialogue on and understanding of the provisions of the Declaration among African States. However, at the national level implementation of the Declaration is still lacking.

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[5] Annual report 2009 to UNPFII and UNIFEM; www.un.org/esa/socdev/unpfii/documents/UNIFEM_report_8th_session_en.pdf.

[6] International Work Group for Indigenous Affairs, *The Indigenous World 2008*.

24. The Andean Community, the Central American Integration System, the Caribbean Community and Common Market, and the Artic Council are additional examples of regional forums which have included indigenous peoples' issues in their formal political agendas. Promotion of such initiatives at the intergovernmental level is of particular importance to indigenous peoples, as they are often faced with transborder situations and are thus under the jurisdiction of several States.

25. Within international institutions, including those of the United Nations system, important provisions and models for consultation and participation have been developed to guide a wider application of the principle of participation, which is a fundamental cornerstone of the Declaration. A recent specific example is the adoption of a policy on indigenous peoples by the International Fund for Agricultural Development, which explicitly recognizes the principle of free, prior and informed consent and foresees the establishment of an indigenous peoples' consultative group within the organization.[7]

26. At the global level, the Permanent Forum has galvanized support, visibility and engagement with regard to indigenous issues, as illustrated by the increased participation and voluntary reporting of Member States, United Nations agencies and other intergovernmental organizations, as well as the increased number of indigenous peoples' representatives participating in the yearly session of the Permanent Forum.

27. Following a reform of the United Nations human rights mechanisms, the Human Rights Council, in its resolution 6/36 of 14 December 2007, established an expert mechanism on the rights of indigenous peoples. The new expert mechanism constitutes an important instrument in intergovernmental work on indigenous peoples' rights, especially in the research and documentation of indigenous peoples' issues.

28. Incorporating and linking the Declaration to other international standard-setting and programmatic instruments has been instrumental in furthering the participation of indigenous peoples in international development programmes. It is important in this context to highlight the increasing role of, for example, the Convention on Biological Diversity, the Special Voluntary Fund for Facilitating Participation of the Developing Country Parties and especially the Working Group on Article 8 (j), which have all provided mechanisms for indigenous peoples to participate directly in the work of the Convention and in the adoption of the Akwé Kon Guidelines.[8]

29. The programme of work of the Working Group on Article 8 (j) includes developing indicators for the preservation of traditional knowledge, as well as mechanisms to address the causes of the loss of such knowledge, and the development of an ethics code to ensure respect for indigenous peoples' cultural and intellectual heritage relevant to the conservation of biological diversity and its sustainable use.

30. Another significant example of promoting the goal and objectives of the Second Decade is the linkage between the provisions of the Declaration and the

[7] www.ifad.org/english/indigenous/documents/ip_policy_e.pdf.

[8] Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on land or waters traditionally occupied or used by indigenous and local communities.

Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which entered into force in 2007 and to which more than one hundred States are parties. The Convention is instrumental in the efforts to ensure the right of indigenous peoples to create and disseminate their cultural goods and services in a fair environment.[9]

31. Another important operational instrument to promote indigenous peoples' issues in an intergovernmental context is the Inter-Agency Support Group on Indigenous Peoples' Issues, which at present counts 32 participating agencies and organizations.

32. From a global perspective, the participatory mechanism under the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) and the UNDP Global Environment Facility Small Grants Programme are additional examples of participatory mechanisms established for indigenous peoples. In order to engage more effectively with indigenous peoples, the programmes have provided direct support to indigenous projects, and consultative mechanisms have been established in which indigenous peoples participate.

33. At the programmatic level, especially within intergovernmental organizations, progress is being made and new initiatives have been introduced to facilitate new forms for the participation and inclusion of indigenous peoples in programmes and activities. However, there is still a substantial lack of systematic mainstream engagement and mechanisms for direct participation within international institutions, development programmes and project-related activities in areas or on issues relating to indigenous peoples and relatively few international institutions have developed guidelines, institutional policies or safeguard policies on engagement with indigenous peoples.[10]

34. Notwithstanding the policies and initiatives mentioned above, it is predominately still on an ad hoc basis that national institutions and international development organizations and financial institutions conduct consultations with indigenous peoples. Lack of resources, methodological instruments and time in the programming process are identified as the main reasons for this situation.

35. The availability of and access to information in indigenous peoples' languages is another important factor for the promotion of the effective participation of indigenous peoples, the extension to them of effective citizenship and in securing their real and informed participation in national policymaking and development activities. The systematic use and recognition of indigenous peoples' languages is only seen as important in a few States and a few international development organizations. In Scandinavia and in South America, some States have declared indigenous languages to be national languages, to be used in educational systems, as

[9] Convention on the Protection and Promotion of the Diversity of Cultural Expressions, fifteenth preambular paragraph. Explicit reference is also made to indigenous peoples in the eighth preambular paragraph and articles 2 and 7 of the Convention.

[10] The following organizations and financial institutions have developed policies on indigenous peoples: the Asian Development Bank, the European Bank for Reconstruction and Development, the European Investment Bank, the Inter-American Development Bank, the World Bank, the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) and, most recently, the International Fund for Agricultural Development in 2009.

well as providing public services in indigenous languages. With respect to the Declaration and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, extensive work has been done on translating those instruments into over a hundred indigenous languages.[11]

36. When indigenous peoples' inclusion and the issue of non-discrimination are looked at globally, one of the conclusions that can be reached is that the Declaration has become a central reference in the consolidation of a human rights-based approach in activities and programmes focused on indigenous peoples' issues, particularly the right to self-determination and the right to free, prior and informed consent. This trend is, however, much stronger at the intergovernmental than at the national level, as many States still do not even acknowledge the presence of indigenous peoples in their countries. The political exclusion and lack of representation of indigenous peoples in government and national decision-making processes and bodies is a major challenge.

B. Redefining culturally appropriate development policies (objective 3)

37. Self-determination, as referred to in articles 3 and 32 of the Declaration, must be placed at the centre of the activities of States and international organizations working on issues relevant to indigenous peoples, in order for indigenous peoples to exercise their right to determine and develop priorities and strategies for the development and use of their resources or in relation to activities that affect their land or territories.

38. The third objective of the Programme of Action for the Second Decade is set out to promote the redefinition of development policies at all levels. National institutions and international organizations mandated to work on development are increasingly being challenged to depart from development regimes based on assimilation and to encourage the involvement, participation and appreciation of the cultures, traditional knowledge and visions of indigenous peoples at all levels of the development process.

39. The Second Decade and the Declaration call for the application of a holistic and endogenous approach to development which is inclusive and based on indigenous peoples' aspirations, along with respect and protection of their diversity and uniqueness. Whereas the first Decade demonstrated a relatively large gap between intentions and actual implementation of development policies inclusive of indigenous peoples' issues and rights, the Second Decade has so far produced important initiatives and models for a new approach in working on indigenous peoples' issues.

40. An example is the ILO programme to support Member States in including indigenous peoples' issues in national poverty reduction strategy papers and development plans. Since 1999, that initiative has given rise to participatory models and mechanisms, and facilitated dialogue between Governments and indigenous peoples' organizations for the construction of inclusive national and sector-specific

[11] For the translation of the Declaration in various languages, see www.un.org/esa/socdev/unpfii/en/declaration.html.

development plans in countries which until recently have demonstrated a significant lack of focus on indigenous peoples.

41. Other targeted initiatives are trust funds and small-scale projects specifically established to further indigenous peoples' development within existing national or international development programs, a modality which has become increasingly popular at an institutional level and among donors. However, the amounts of donor funds that are actually flowing to targeted programmes for indigenous peoples' development represent only a minor part of the general budgets allocated to development, both within international development organizations and in national budgets.

42. The mainstreaming and large-scale inclusion and participation of indigenous peoples in specific national or international programmes is hindered by a variety of factors, such as a lack of understanding and knowledge of indigenous issues, a lack of resources and technical capability and also, in some cases, a lack of political will. At the national level, complex issues such as land rights, climate change, armed conflicts, the effects of globalization and privatization, the concession of natural resources, the scarcity of resources and discrimination are often determining factors in how indigenous peoples' issues are approached in development processes.

43. A significant contribution to the process of redefining national and international development policies has come from the indigenous peoples in the Andean region of Latin America. Through concepts such as "Buen vivir", applied in practice under the new national development plan of Ecuador from 2009, a reconceptualization of the dominant understanding of social and economic well-being is proposed in the form of an alternative self-determined development linked to indigenous peoples' historical, cultural and spiritual relations with Mother Earth and their lands and territories.[12]

44. On a global scale, the reconceptionalization of development is being explored and promoted among indigenous peoples in all regions of the world and increasingly also by the United Nations system. The Permanent Forum systematically adopts recommendations in that direction. The special theme of the ninth session of the Permanent Forum was development with culture and identity. In addition to the interesting preparatory work of experts and United Nations agencies on that special theme (see E/C.19/2010/14 and E/C.19/2010/8), the Permanent Forum adopted a comprehensive set of recommendations on development with culture and identity.[13]

45. Within the United Nations system, one of the most important advances during the Second Decade in relation to promoting the development with culture and identity of indigenous peoples has been the revision in 2007 of the United Nations Development Group's Common Country Assessment and United Nations Development Assistance Framework Guidelines. The revised Guidelines include 15 references to indigenous peoples and are currently being applied in the United Nations system through awareness-raising and capacity-building by United Nations country teams worldwide, a process spearheaded by the secretariat of the Permanent Forum on Indigenous Issues and the Inter-Agency Support Group on Indigenous

[12] Declaration of Indigenous Peoples for Food Sovereignty, Rome 2009 www.madre.org/index.php?s=4&news=243.

[13] *Official Records of the Economic and Social Council, 2010, Supplement No. 23* (E/2010/43-E/C.19/2010/15), chap. I.B, paras. 4-35.

Peoples' Issues. In 2008, the United Nations Development Group adopted the Guidelines on Indigenous Peoples' Issues, which brings to the country level the normative framework of the Declaration, ILO Convention No. 169 and relevant international instruments.

46. The inclusion of indigenous peoples' issues in the operationalization of international development policies indicates a growing trend among international organizations to recognize the unique needs of indigenous peoples within societies previously perceived as monocultural and to identify mechanisms so as to respect indigenous peoples' values and local decision-making processes. Despite deficiencies in implementation, the role of indigenous peoples as agents of their own development and the understanding of the importance of their consent and participation in projects that have an impact on their well-being and livelihood has increased.

47. Even though culturally appropriate development initiatives and mechanisms for consultation are gaining ground, the international development regime and, especially, national development programmes and plans still face strong criticism by indigenous peoples regarding the impact of development programmes, "mega" projects and globalization on their communities and territories, and the lack of meaningful and institutionalized mechanisms for consultation and for their participation in the design and implementation of those projects.

48. Indigenous peoples have in particular raised concerns regarding initiatives, for example the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD), having an adverse impact on their communities and infringing their right to free, prior and informed consent. In that regard, indigenous peoples' movements have launched awareness campaigns worldwide, focusing on the threats of development mechanisms and strategies to indigenous territories and communities should projects continue to be implemented without the cooperation and involvement of indigenous peoples.

49. Despite an increasing focus on the participation and inclusion of indigenous peoples, a large gap between policy statement and actual implementation is systematically evident in relation to critical issues of governance, land rights, natural resources and other indigenous collective rights.

50. During the eighth session of the Permanent Forum a review was conducted of the degree of implementation of the Permanent Forum's recommendations on social and economic development. It was found that 52 per cent of such recommendations issued at past sessions had been reported as having been implemented or under implementation, while 46 per cent of those recommendations had not been reported on.

51. In terms of national follow-up on the recommendations, the lack of reporting by many Member States is making it more difficult to assess the level of implementation of the Permanent Forum's recommendations. Insofar as an increasing number of Member States is submitting annual reports to the Permanent Forum on their efforts to address indigenous peoples' issues, in particular those relating to social and economic development, it will be easier for the Forum to assess progress in the future. The newly established work practice of the Permanent

Forum of conducting in-depth dialogues with United Nations agencies has proven to be an important mechanism to assess the implementation of recommendations.

52. Facilitating factors for culturally sensitive international development processes for and with indigenous peoples have included the solid advocacy of indigenous peoples at the national and international levels; the reports and recommendations of the Permanent Forum and its continuing provision of follow-up and support to global, regional and national initiatives; the establishment of institutional policies on indigenous issues by United Nations agencies and other intergovernmental organizations; and the continuing advocacy and technical work of the Inter-Agency Support Group on Indigenous Peoples' Issues.

C. Adopting targeted policies and programmes for the development of indigenous peoples (objective 4)

53. Indigenous peoples consistently lag behind the non-indigenous population in all of the world's regions with regard to most indicators of well-being and poverty. Indigenous peoples number about 370 million and while they constitute approximately 5 per cent of the world's population, they make up 15 per cent of the world's poor and about one third of the world's 900 million extremely poor rural people.[14] The fourth objective of the Second Decade is to promote the adoption of targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, with particular emphasis on indigenous women, children and youth.

54. Targeted interventions and positive action for indigenous peoples are increasingly being acknowledged as necessary to promote their individual and collective rights and to reduce effectively the social and economic marginalization that many of them face.

55. States are increasingly working with national or regional branches of United Nations agencies such as ILO, UNDP, the United Nations Children's Fund, the United Nations Population Fund, UNIFEM, IFAD and others to strengthen their role in creating targeted, mostly small-scale, interventions on indigenous peoples' issues. Efforts have mainly focused on interventions in areas such as education and health, with the aim of developing educational and health systems adapted to indigenous peoples' cultures with and through their participation.

56. As indigenous women and youth face significant challenges to the full enjoyment of their human rights, the Permanent Forum has paid special attention to those two groups in its work. The human rights of indigenous women are protected by all the provisions of the Declaration, which, in article 22, calls for special attention to be paid to the rights of the women and their special needs. Also, in the Plan of Action for the Second Decade States are called upon to take measures to ensure that indigenous women enjoy full protection and guarantees against all forms of violence and discrimination.

57. During the eighth session of the Permanent Forum, in 2009, a review of the degree of implementation of its recommendations concerning indigenous women was conducted. On the basis of the annual reporting by States and United Nations

[14] *State of the World's Indigenous Peoples* (United Nations publication, Sales No. 09.VI.13), p. 21.

agencies, the Permanent Forum concluded that both States and United Nations agencies had implemented a broad range of important initiatives to improve the situation of indigenous women and to meet the recommendations made on the issue by the Permanent Forum (see E/C.19/2009/9). The increased awareness and mobilization of indigenous women worldwide was identified as an important factor, along with the establishment of an inter-agency task force, which worked specifically on this issue from 2004 to 2007. That Inter-Agency Task Force on Indigenous Women provided participating United Nations agencies with an opportunity to promote the special concerns of indigenous women within the work of the United Nations system.

58. Even though targeted initiatives are being implemented, the Permanent Forum, in its review, also concluded that a range of recommendations had not been implemented, mostly owing to the lack of financial resources of both Government and United Nations agencies. Lack of awareness regarding indigenous peoples' issues in general was also found to have a strong negative impact, particularly on women's issues.

59. Besides ILO, with Convention No. 169 and the institutional framework for its promotion, and the United Nations bodies and mechanisms mandated specifically to work on indigenous peoples' issues, only a few international organizations, among others IFAD, identify indigenous peoples' issues as a priority area.

60. At the national level, States have reported on specific measures that they are taking to address indigenous peoples' issues in order to meet their respective human development goals, the Millennium Development Goals or benchmarks contained in national development plans. However, indigenous peoples' issues are in general addressed under the heading of a social problem of a more general character, without strategic and targeted interventions. Poverty reduction strategies in general address indigenous peoples' livelihood situations together with those of other vulnerable groups in a given society. Rarely are indigenous peoples specifically addressed in national development plans and, if at all, they are most often targeted through minor, isolated projects and focus on their specific needs is not mainstreamed into large-scale programmes.

61. The emphasis on targeted interventions and specific funding for indigenous peoples has to a large degree come from the United Nations system and other intergovernmental organizations in specific assistance facility mechanisms channelling funds to indigenous peoples. These are projects such as the small grants programme under the Second Decade, the Indigenous Peoples' Assistance Facility administered by IFAD, the Voluntary Fund for Accredited Indigenous and Local Communities and Indigenous Intellectual Property Law Fellowship Programme of the World Intellectual Property Organization and the United Nations-REDD initiative.

62. The Plan of Action for the Second Decade constitutes a comprehensive framework and targeted initiative for promoting indigenous peoples' issues at the regional, national and international levels. However, only a few States, international organizations and indigenous peoples' organizations have developed specific activities and programmes to promote the objectives and goal of the Second Decade. One such initiative is the Strategy for the Second Decade developed by the non-governmental organization International Work Group for Indigenous Affairs and the Trust Fund on Indigenous Issues through its small grants programme under

the Second Decade, administered by the secretariat of the Permanent Forum on Indigenous Issues.[15]

63. The general trend among both Governments and international development institutions is to support small-scale projects and activities on indigenous peoples' issues, reporting them as aligned with the objectives of the Second Decade. Thus, at both the national and international levels, targeted development programmes and projects for the Second Decade have had relatively low visibility.

D. Promoting strong monitoring mechanisms and enhancing accountability at all levels (objective 5)

64. Central to addressing indigenous peoples' issues is the need for the creation of strong monitoring mechanisms and accountability, in particular with regard to the documentation of well-being and the assessment of the impact of targeted and other interventions, and of compliance with the human rights of indigenous peoples.

65. Unfortunately, there is still a general trend to exclude indigenous issues from development diagnostics, country development planning and other Government processes, a situation also encountered in international work. In country and regional reports on the status of human development and the progress made in achieving the Millennium Development Goals, as well as in common country assessment and United Nations Development Assistance Framework reports, indigenous peoples have low visibility.[16] In general, indigenous peoples are not explicitly mentioned in those reports and there is a general lack of disaggregated data concerning them. Any reference to the state of indigenous peoples' development is normally absorbed into a general aggregation of socially vulnerable groups of the population.

66. According to the information provided by various United Nations agencies and other intergovernmental organizations for the present report, only a few of them have developed specific appropriate monitoring mechanisms or indicators for indigenous peoples' issues, and even fewer have specifically and systematically integrated statistics and data on indigenous peoples into their annual reporting processes, either at the country, the regional or the global level.

67. New models and approaches are being developed in relation to monitoring and benchmarking indigenous peoples' issues from a development perspective. Among them is an initiative of the Poverty Group's Millennium Development Goal Support Cluster of UNDP, which has been working on the preparation of "peer review" processes for existing and new Millennium Development Goal needs assessment models in connection with a new project entitled "A rights-based review of the Millennium Development Goal needs assessment models". These models guide

[15] From 2006 to the present the Trust Fund on Indigenous Issues has facilitated financing for 75 projects worldwide (one-year projects with an average budget of US$ 10,000 each); 41 per cent of the projects are in the human rights area, facilitating participatory processes, empowering indigenous peoples worldwide at the grass-roots level and furthering the implementation of the specific goal and objectives of the Second Decade.

[16] Desk reviews of selected Millennium Development Goal and common country assessment and United Nations Development Assistance Framework reports are available on Forum publications site at www.un.org/esa/socdev/unpfii/en/publications.html.

global, regional and country teams when supporting programme countries in developing Millennium Development Goal-based development strategies. The project is aimed at ensuring that Millennium Development Goal needs assessment models take into account and reflect rights-based standards and principles, including the rights of indigenous peoples.

68. Another substantial contribution to promoting data collection and monitoring mechanisms particularly focused on indigenous peoples has been the development of culturally appropriate indicators supported jointly by the Food and Agriculture Organization of the United Nations, IFAD, ILO, the International Indigenous Forum on Biodiversity, the Tebtebba Foundation, the International Indian Treaty Council, the Secretariat of the Convention on Biodiversity and the Permanent Forum on Indigenous Issues and its secretariat. A global synthesis report (E/C.19/2008/9) was submitted to the Permanent Forum at its seventh session, in 2008.

69. For the Permanent Forum, the establishment of culturally appropriate indicators and monitoring mechanisms has been of special interest. The Forum has repeatedly called on States and the United Nations system to apply indicators and monitoring mechanisms appropriate and adapted to indigenous peoples' issues, particularly focusing on the Millennium Development Goals.

70. At the first session of the Forum, in May 2002, the Department of Economic and Social Affairs of the United Nations was requested to produce a publication on the state of the world's indigenous peoples, containing data on indigenous peoples and discussing issues relating to indigenous peoples in the thematic areas within the Forum's mandate.[17] The first issue of the requested report, *State of the World's Indigenous Peoples*[14] was launched in January 2010 and constitutes a path-breaking instrument for the promotion and documentation of indigenous peoples' situation worldwide.

71. To highlight and analyse the issue of data collection and disaggregation and indigenous peoples, an expert workshop was convened by the Permanent Forum from 19 to 21 January 2004, in New York. Thirty-six experts from the United Nations system and other intergovernmental organizations participated, along with representatives of Governments, indigenous organizations and academia, including statisticians. During the workshop a number of problems were underlined and recommendations were made on the issue. The Permanent Forum endorsed the recommendations of the workshop at subsequent sessions.[18]

72. From an international and national legal perspective, both ILO Convention No. 169 and the Declaration have increasingly become points of reference for national and international court rulings on indigenous peoples' issues, especially in the Latin American context, as for example in the emblematic Awas Tingni case that resulted in a landmark ruling by the Inter-American Court of Human Rights in 2001 protecting indigenous peoples' collective land and resource rights.

73. In another landmark decision, the African Commission on Human and Peoples' Rights ruled in 2010 that the failure of the State of Kenya to consult or compensate adequately the Endorois people violated the African Charter on Human and Peoples' Rights. The Commission has called for the recognition of the Endorois' ownership

[17] See *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/43/Rev.1-E/CN.19/2002/3/Rev.1), chap. II.B, para. 8.

[18] E/C.19/2004/2.

of their ancestral land, and its restitution. The case is the first to be decided by the African Commission on Human and Peoples' Rights that expressly recognizes indigenousness — the maintaining of a traditional way of life that is dependent on ancestral land — in the African context.

74. The Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples is an equally important actor for accountability in the human rights area. Under this mandate of the Human Rights Council, which includes investigating and entering into dialogue with States on human rights violations committed against indigenous peoples, the Special Rapporteur has, since 2006, issued seven country reports and three special reports. Following the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the mandate of the Special Rapporteur has been amended to include the promotion of the Declaration (see Human Rights Council resolution 6/12).

75. Some States have established a specific national human rights mechanism with a mandate on indigenous peoples and a limited number have established a mechanism for indigenous peoples to seek redress for decisions made by States. Insofar as indigenous peoples all over the world have encountered discrimination and lack access to national juridical systems and to a fair and just legal process, indigenous peoples' organizations in many instances have directed their complaints to international legal institutions, for example the Inter-American Court of Human Rights and recently the African Commission on Human and Peoples' Rights, in addition to a number of international human rights treaty bodies and mechanisms, such as the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and various special rapporteurs of the Human Rights Council.

III. Conclusions

76. In the present report, the progress made in the implementation of the goal and objectives of the Second International Decade of the World's Indigenous People has been identified and analysed and good examples of initiatives which have furthered their implementation have been provided.

77. The Second Decade (2005-2014) follows a first decade (1995-2004) which, upon its conclusion, was deemed not to have achieved its main goal and objectives. Especially in relation to the adoption of a United Nations declaration on indigenous peoples' rights and the implementation of human rights measures at the national level, the first Decade lacked adequate impact. The goal and objectives set out for the Second Decade highlight those challenges and call for enhanced efforts.

78. The first half of the Second Decade has brought significant results with regard to the goal of "further strengthening of international cooperation for the solution of problems faced by indigenous peoples in areas such as culture, education, health, human rights, the environment and social and economic development by means of action-oriented technical assistance and relevant standard-setting activities".

79. Advances in achieving the goal of the Second Decade can be identified in relation to indigenous peoples' organizations engaging in advocacy for equality, applying international normative instruments, including the Declaration and challenging Governments, private companies and international organizations to implement international norms on indigenous people's rights.

80. Also significant has also been the proposed alternative approach to the understanding of development and progress advocated by indigenous peoples. The United Nations system has initiated a dialogue around the concept of development with culture and identity to which the Permanent Forum made a considerable contribution at its ninth session. The concept is still new in development practices, and examples of its application are few. At the national level, applications of culturally adapted approaches have mainly occurred in the educational and health sectors.

81. In the United Nations system, the establishment of specific task forces on indigenous peoples' issues and the inclusion of indigenous peoples' issues in the common country assessment and United Nations Development Assistance Framework processes, including through the issuance of the United Nations Development Group Guidelines on Indigenous Peoples' Issues, have contributed significantly to increased institutional awareness of indigenous peoples' issues and to the operationalization and initiation of programmes and initiatives specifically targeting those issues.

82. At the intergovernmental level, the Declaration has played a crucial role as a reference for the application of other binding intergovernmental mechanisms. Thus, Governments are increasingly encouraged to be accountable on specific issues pertinent to indigenous peoples, as for example under the Convention on Biological Diversity. The adoption of the Declaration has provided a consolidation of the human rights-based approach among intergovernmental organizations and at the national level. In relatively few States, however, the Declaration has had a direct effect on the national legislative framework and actual policymaking, a challenge to be pursued in the second half of the Second Decade.

83. At the operative level, pilot initiatives and spaces for dialogue and the promotion of indigenous peoples' issues and participation have been established at national, regional and international levels. However, the fundamental issue of free, prior and informed consent and its full application remains a challenge in the majority of States and also in international development programmes.

84. Many Member States, United Nations agencies and other intergovernmental organizations have reported targeted initiatives for the traditionally excluded and marginalized livelihood situations of indigenous peoples. However, in view of the fact that one third of the rural poor are indigenous peoples, the scale of the targeted programmes and projects does not reflect the severity of the situation and an upscaling of good experience is needed to make a substantial impact on indigenous peoples' lives.

85. In relation to specific activities designed to promote the Second Decade, relatively few international organizations and Governments have developed specific and targeted actions. In general, it is reported that activities implemented in the area of indigenous peoples' issues are typically not directed specifically towards achieving the goal and objectives of the Second Decade, although to a large extent they are aligned with them.

86. Even in States where legislative measures on indigenous peoples' rights and issues have been established, there is often a lack of effective implementation, due to lack of knowledge, capacity and operationalization of policies.

IV. Recommendations

87. In view of the challenges identified at the national and international levels, the following main areas appear to warrant significant attention during the second half of the Second Decade of the World's Indigenous People:

(a) In order to achieve the goal and objectives set out for the Second Decade of the World's Indigenous People, it is recommended that Member States concerned initiate steps to recognize the indigenous peoples in their countries.

(b) States are called upon to establish national legislative frameworks for indigenous peoples' rights, individual as well as collective, and to develop institutional policies and mechanisms so as to engage effectively on indigenous peoples' issues, taking as a point of reference the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

(c) Increased funding, mainstreaming and upscaling of successful programmes on indigenous peoples' issues are urgently required in order to achieve the Millennium Development Goals for the world's indigenous peoples also.

(d) It is recommended that Member States consider creating special national committees on the Second Decade of the World's Indigenous People in order to promote the implementation of its goal and objectives more effectively.

(e) Continuing efforts should be made by the United Nations system, Member States and indigenous peoples worldwide for the full application and operationalization of the United Nations Declaration on the Rights of Indigenous Peoples.